

162845  
Order 2002-4-8

Served: April 12, 2002



**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.**

Issued by the Department of Transportation  
on the 11th day of April, 2002

**Application of**

**EXPRESSJET AIRLINES, INC.  
d/b/a Continental Express**

**Docket OST-02-11708**

for a disclaimer of jurisdiction and reissuance of  
certificate or, alternatively, approval of the transfer of  
operating authorities under 49 U.S.C. 41105

**ORDER REISSUING CERTIFICATE**

**Summary**

By this order, we reissue the section 41102 interstate scheduled certificate and other operating authorities transferred from ExpressJet Airlines, Inc. d/b/a Continental Express (ExpressJet) to New ExpressJet Airlines, Inc. d/b/a Continental Express (Newco) to reflect their effective date and change in corporate name.

**Background**

By Order 2002-3-14, issued March 19, 2002, we transferred the certificate and other operating authorities of ExpressJet to Newco. The transfer was in connection with a corporate reorganization in which the assets, liabilities, and operations of ExpressJet were to be transferred to Newco.<sup>1</sup> The transferred authority was to become effective upon the completion of the transfer of the assets, liabilities and operations of ExpressJet to Newco, at which time Newco would also drop the "New" from its corporate name and reassume the original ExpressJet Airlines, Inc. d/b/a Continental Express name.

On April 2, 2002, Newco advised us that the closing date for the transfer is scheduled for April 16, 2002, at which time the transferred operating authority will become effective.

<sup>1</sup> The authorities at issue include a certificate authorizing interstate scheduled passenger air transportation of persons, property, and mail, as well as the following U.S.-Mexico designation and code-share authority: Houston-Veracruz (approved December 18, 2001, undocketed); Houston-Leon (approved September 13, 2000, undocketed); Houston-Monterrey/Guadalajara (approved June 15, 2000, undocketed); Houston-Ixtapa/Zihuatanejo (approved April 25, 2000, undocketed); Houston-San Luis Potosi/Aguascalientes (approved February 1, 2000, undocketed); Houston-Mazatlan (approved January 6, 2000, undocketed); Houston-Chihuahua/Salttillo/Torreón (approved April 1, 1999, undocketed); and Houston-Tampico (approved January 14, 1998, undocketed).

Newco asked that we reissue its certificates and authorities in its new corporate name. By this order, we reissue the certificate and other authority held by Newco to reflect the April 16 effective date and the change in corporate name.

**ACCORDINGLY**, acting under authority assigned by the Department in its Regulations, 14 CFR 385.12:

1. We reissue the certificate issued to New ExpressJet Airlines, Inc. d/b/a Continental Express by Order 2002-3-14 in the form attached.<sup>2</sup>
2. We will serve a copy of this order on the persons listed in Attachment A.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.30, may file their petitions within 10 days of the service date of this order.

The action taken in this order is effective immediately and the filing of a petition for review shall not alter its effectiveness.

By:

**RANDALL D. BENNETT**  
Director  
Office of Aviation Analysis

(SEAL)

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<http://dms.dot.gov>*

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<sup>2</sup> In addition, we consider the designation and code-share authority contained in footnote 1 above to be reissued to reflect the effective date and name change as well.



**Certificate of Public Convenience and Necessity  
for  
Interstate Air Transportation  
(as reissued)**

*This Certifies That*

**EXPRESSJET AIRLINES, INC.  
d/b/a CONTINENTAL EXPRESS**

*is authorized, subject to the provisions of Subtitle VII of Title 49 of United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in interstate air transportation of persons, property, and mail.*

*This Certificate is not transferable without the approval of the Department of Transportation.*

*By Direction of the Secretary*

*Issued by Order 2002-4-8  
On April 11, 2002  
Effective on April 16, 2002*

*Randall D. Bennett  
Director  
Office of Aviation Analysis*



*Terms, Conditions, and Limitations*

**EXPRESSJET AIRLINES, INC.  
d/b/a CONTINENTAL EXPRESS**

*is authorized to engage in interstate air transportation of persons, property, and mail between any point in any State, territory, or possession of the United States or the District of Columbia, and any other point in any of those entities.*

*This authority is subject to the following provisions:*

- (1) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.*
- (2) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA), and comply with all Department of Transportation requirements concerning security.*
- (3) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).*
- (4) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of Title 49 of the United States Code or the Department's regulations shall be sufficient grounds to revoke this certificate.*
- (5) The holder may reduce or terminate service at any point or between any two points, subject to compliance with the provisions of 49 U.S.C. 41734 and all orders and regulations issued by the Department of Transportation under that section.*
- (6) The holder may not provide scheduled passenger air transportation to or from Dallas (Love Field), Texas, except within the limits set forth in section 29 of the International Air Transportation Competition Act of 1979, as amended by section 337 of the Department of Transportation and Related Agencies Appropriations Act, 1998.*

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*\*This certificate is being reissued to reflect its effective date and change in corporate name.*

(7) *Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(l)), it must first comply with the requirements of 14 CFR 204.5.*

(8) *In the event that the holder commences but subsequently ceases all operations for which it was found "fit, willing and able," its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may neither recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.*

**SERVICE LIST FOR EXPRESSJET AIRLINES, INC.**

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